

Approval of Minutes February 13, 2014 (approved)
March 13, 2014 (approved)

Approval of Bill List April 3, 2014 (approved)

The following professionals were sworn in

Tiffany CuvIELLO (Township Planner)

Chuck Endicott (Township Engineer)

Deborah Wahl (Township Conflict Engineer)

New Appeals:

#6-14 Gary Erario

720 Chanese Ln.

B. 1169.01 L. 66

Zoning District: NR

Side yard Setback

Proposed: The applicant is proposing a side yard setback variance for a proposed 20 ft. by 30 ft. detached garage in the rear yard. A 15 foot setback for accessory structure is required and the applicant is requesting a 5 foot setback.

The applicant represents himself.

Tiffany CuvIELLO, Township Planner, explained to the board what the applicant is seeking.

Board Questions:

Board member Huber questioned the aesthetics of the garage.

Mr. Erario stated it would be sided to match the house.

Board member Mayer questioned where the existing shed the applicant is going to keep will be placed.

Mr. Erario stated it will be within the proper setbacks.

Board member Hauslet questioned what is next to the proposed garage.

Mr. Erario stated it is his neighbor's yard.

No Public Comments

Motion to approve application #6-14 side yard setback of 5 feet where 15 feet is required was made by Huber and seconded by Clute

Those in favor: Coleman, Clute, Greb, Hauslet, Huber, Mayer, and Sykes

#5-14 Jim Cox

529 Brown Ave.

B. 1027 L. 5

Zoning District: RC

Front yard setback, minimum lot depth, minimum lot size

Proposed: The applicant is seeking a variance to permit construction of a new 2 story bi-level dwelling on an undersized lot. The variances requested are for the front yard setback, 50 feet is required and he is proposing 25 feet. The minimum lot depth of 200

feet is required and he is proposing 100 feet. The minimum lot size of 1 acre is required when the existing lot contains 0.23 acres (10,000 square feet).

Mr. James Cox and Mr. Thomas Darcy were sworn in.

Mr. Darcy, licensed professional planner, explained the property is 100 feet wide and 100 feet deep. The (2) C-1 hardship variances being requested are for the lot depth and lot area. The other variance being requested is for the front yard setback of 25 feet where 50 is required. For the past 50 years this property has been shown as an individual lot by Galloway Township. This lot is only 100 feet deep and has been this way since subdivided in 1924. There is no vacant land available adjoining the property to increase the lot size. When you have a pre-existing non conforming lot that is undersized the applicant needs to either buy adjoining property to bring the property up to as much conformity as possible or offer to sell the property to any adjoining property owner at fair market value. Fair market value would be as if you granted the zoning variances that were necessary to build. A buy/sell letter was sent to the 4 owners of the adjoining land. As of tonight there have been no responses to the buy/sell letter. The third variance being requested is a front yard setback variance. There is not really a hardship connected with this variance, it is possible to meet the setback but it would create a very small rear yard and the house would be even closer to the neighbor behind the proposed dwelling. They are proposing 25 feet because the 2 adjoining houses on both sides of the proposed home are about the same distance back. They are proposing about a 36 foot setback to the main house. They are proposing about a 30 foot setback to the front porch which aligns up with the porch at the neighbors. They are requesting 5 more feet for the steps. The setback of the house on the East side is about 20 feet. What is being requested is consistent with the development pattern of the neighborhood as it exists on Brown Avenue.

The house next to them on the West side and the lot across the street from them has the exact same lot size that they have. He does not believe there would be any substantial detriment to the zoning ordinance or master plan if approved.

There is an existing sewer lateral that Galloway Township put it in with the anticipation that this lot would be developed sometime in the future.

The applicant, Jim Cox, stated that the proposed dwelling would be a bi-level dwelling with a 2 car garage. There would be 3 bedrooms and 2.5 baths. He considers it to be an updated bi-level.

Professional Reports

Tiffany CuvIELLO, Township planner, referenced her report dated April 3, 2014.

There exists, in the Township ordinance, undersized lots that are suitable for development in certain circumstances. Tiffany stated that all the lots in this neighborhood are generally 100 feet in depth. The lot depth is consistent with the area. The majority of the properties are ranging in lot size between .217 acres to about .5 acres. The surrounding homes in the neighborhood also have less than the 50 foot setback. Tiffany finds the proposed development consistent with the character of the neighborhood.

Board Questions

Board member Coleman questioned when the sewer lateral was installed.

On single lots of record a lateral would be installed when the sewer was installed. It was probably installed in the early 90's.

Board member Mayer questioned the dimension for the rear deck.

As of now it is proposed to be 10 x 12. The deck would be raised to basically the second level because it is a bi-level.

Board member Huber questioned what the house will look like in comparison to the neighborhood houses.

Mr. Cox described other homes in the area and stated that it will blend in with the neighborhood.

Public Comment

Dawn Diorio of 527 E. Brown Avenue (next door) stated that her concern is the 50 foot required front yard setback and she would be looking at the house and not the street.

Frank Brown of 530 Dickinson Avenue (house behind proposed dwelling) objected the variance because he feels the house will be right in his back yard. He does not want a deck over his back yard.

Board member Clute questioned Mr. Cox if there would be a buffer of trees left between his property and the property behind the proposed dwelling.

Mr. Cox stated there would be. He will provide Tiffany CuvIELLO with a plan of what trees will be cleared.

John Rosenberger, board attorney wanted to note for the record that there does not appear to be a buy/sell issue.

A motion to approve application #5-14 for 3 variances which are lot area of 0.23 acres where 1 acre is required, lot depth of 100 feet where 200 feet are required, and the front yard setback of 25 feet where 50 feet is required was made by Clute and seconded by Coleman.

Those in favor: Coleman, Clute, Hauslet, Huber, Mayer Greb, and Sykes

#11-13 Risley Development

Towne Center Drive

B. 985 L. 8.02-8.05

Zoning District: CVC

Preliminary and Final Site Plan Approval

Proposed: The applicant is requesting preliminary and final site plan approval to construct 24 town house units. The Zoning Board of Adjustments granted a "D (1)" use variance to permit the same on November 10, 2011. The property is located along Town Center Drive.

The applicant is represented by Mr. Thomas Darcy.

Mr. Norman Risley, Mr. Harry Harper and Mr. Bill Swiderski were sworn in.

Mr. Bill Swiderski, professional planner and engineer, described the site and explained what the applicant is proposing to do. The applicant is proposing a 20 foot front yard setback from Town Center Drive where 40 feet is required. The garages and parking will be done at the rear of the units so they are not exposed to Town Center Drive. In terms of parking all of the 24 units will be 2 bedrooms so according to RSIS 56 parking spaces would be required. They are proposing 92 parking spaces. They would consist of the 32 garage space parking, 1 space in front of each garage, and various other parking spots totaling 92 spaces. There is sewer and water available. The drainage for the 2 lots on the North side of the proposed dwellings will include a series of inlets to the existing basin that is to the West of the Gymnastics center. The existing basin was to be made deeper. The south side is to have a retention pond constructed on the South side of the proposed 2 buildings. There is a little seepage pit proposed for a small area in front of the units on the East side due to the inability to have the seepage go down to the pond. They are proposing to have a trash and recycling collection area in front of the units rather than have the trucks go on the rear street. They are proposing a 50 foot buffer along the North side of the 2 pods that are located on the North side of Town Center Drive. He then pointed out that the maintenance of the storm water management facilities would be maintained by the homeowners association and there are no accessory structures. They would be willing to work with the Board Planner with regards to the landscaping. Due to the depth of the existing basin the Township Planner and Township Engineer want a fence around it. It is his professional opinion it would probably harm the trees growth because they are very mature trees. The basin on the South it was recommended by Tiffany CuvIELLO, they put additional vegetation and a fence along the Southerly side. He stated it would be difficult to add vegetation because

the basin goes up to the driveway area. He does think the fence is a good idea. A waiver of an Environmental impact statement is being requested. There are no wetlands or wetlands buffers that affect this property and no environmental conditions on site. A waiver for the traffic impact statement is being requested. There was a traffic study done when they were proposing commercial use and that study projected a traffic comp that would far exceed what is now being requested. A community impact waiver was requested. They are proposing 2 bedrooms in each unit. There is very little they can add for a community impact statement.

Mr. Harry Harper, Architect, explained the look of the proposed neighborhood. They propose to have the end units' entrance on the side of the buildings. The end units would have a 2 car garage and the middle units would have a 1 car garage. He continued to describe the proposed interior floor plan. The porch overhangs will be 4 feet out.

Mr. Norm Risley, applicant, stated that he would like for the construction to be in 4 phases.

Professional Reports

Deborah Wahl, Township Engineer, commented on her report dated February 7, 2014.

Tiffany CuvIELLO, Township Planner, commented on her report dated March 6, 2014.

The trash collection pergolas were discussed.

Board Questions

Board member Huber stated his concern about the possibility of garage conversions into living/storage space and its effect on the parking situation.

Tiffany stated she wanted to make it clear the garages are needed for parking. The approval for the use variance does control that issue.

Board member Coleman questioned the actual number of parking spots.

Mr. Swiderski feels in his professional opinion there are 92 spaces. There are 55 spaces needed by ordinance.

Board member Coleman questioned the existing and proposed basin.

The south sides of the basin are commercially developed and have vegetation of mostly trees around it. There will be a fence along the driveway side of the basin.

Board member Mayer questioned the parking spots along the circle.

Deborah Wahl, Township engineer, explained the dimensions.

Board member Clute asked if there is an association in place why can't they put their garbage out front the night before trash pick-up like everyone else.

The neighbors behind the project do not want the trash truck driving behind them.

Board member Greb asked how deep the existing basin currently is.

It is currently 4 feet deep going to a 7 foot depth.

Board member Hauslet questioned how many feet are between the building and the inside of the sidewalk.

20 feet.

Board member Hauslet questioned what the maintenance program is.

Its storm water maintenance schedule it describes what needs to be done and when it has to be done. For example how often the basin needs to be cut. The association dues cover the cost of the work.

Chairman Sykes asked if they had a traffic engineer when they got the use variance.

Yes.

No public comments.

Mr. Swiderski made clear that the large basin behind the dance studio has a lot of mature vegetation along the outside of the basin that would be lost if a fence was to be put up.

Mr. Darcy stated they would be willing to reduce the parking from 6 parking spaces to 5 in the cartway.

Deborah Wahl wanted to state for the record that Mr. Darcy would comply with the letter from the Public Works Department. Mr. Darcy stated he does agree with the Public Works letter.

Mr. Rosenberger explained that the 3 waivers being requested are the Traffic Impact Statement, Environmental Impact Statement and the Community Impact Statement.

There are setback variances being requested.

The conditions of approval would be:

1. The association documents shall be subject to the boards' professionals' review and approval.
2. The applicant will comply with the technical and review comments of Ms. Cuvillo, Ms. Wahl, and the department of Public Works.
3. The applicant will cooperate with the board planner and satisfy the requirements regarding the landscaping in the buffer area.

4. The applicant will cooperate with the board planner and engineer with respect to the drive way side fence along the new basin.
5. There will be a specific and precise language in the decision and resolution that conversions of the garage into living space cannot occur without some form of subsequent approval from this board or from an appropriate board.
6. To reduce the circle area parking from 6 spaces to 5.
7. Whatever is to be constructed shall comply with the documents that were filed as part of the application.

Findings and Facts

Board member Huber stated he thinks the applicant has tried to present a fairly decent application presentation. This is advantageous for people who want to be able to live and shop and recreate in the same areas. He feels it's a good concept and this application has a lot of pluses, satisfies the positive and negative criteria and this project has a lot of potential.

Board member Greb stated he had some initial concern with the existing basin and the depth with the lack of fence. But he feels that an extra 3 feet will not make a substantial difference. The look and design is positive. Overall it would be a positive project.

Board member Hauslet stated this project is a good looking one and he agrees with the gentlemen that it's a plus for the area. He wishes he had heard more and is fearful that there are other things yet to be planned. He would look and think about the drainage issues more and the traffic issues more.

Board member Mayer stated the applicant satisfied the positive and negative criteria. He likes this project.

Board member Clute stated the applicant has designed a beautiful building and having the garages in the back is a great idea. The off street parking having that little bump out is another great idea. He does not understand the trash gondolas but understands it's to

make the neighbors behind them happy. He is interested to see the project move and see it finished.

Board member Coleman had no comments.

Chairman Sykes stated he does not have a problem with the project.

Motion to approve application #11-13 Risley Development site plan approval subject to the 7 conditions and 3 waivers was made by Huber and Clute 2nd the motion.

Those voting in favor: Coleman, Clute, Hauslet, Huber, Mayer, Greb, and Sykes

Motion to approve application #11-13 Risley Development 4 setback variances 1. 20 foot front yard setback where 40 feet is required.

2. 16 foot front yard setback where 40 is required that relates to the stoops.

3. 16 foot side yard setback where 20 is required for the end units.

4. Creation of trash pergolas within certain corners of the front or side yard setback. was made by Huber and Coleman 2nd the motion.

Those voting in favor: Coleman, Clute, Hauslet, Huber, Mayer, Greb and Sykes

Meeting Adjourned 10:11 pm

Submitted by Heather Butler, Administrator